



**Agenda Item Number: 2006-2-9A**

## **BERNALILLO COUNTY BOARD OF COUNTY COMMISSIONERS**

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**Meeting Date:** February 14, 2006

**Department:** County Manager **Staff Contact:** John Dantis, Deputy County Manager For Public Safety  
Kevin Kinzie, DWI Program Coordinator

**TITLE:** MATS Lease Agreement between Bernalillo County and the City of Albuquerque

**ACTION:** Motion to approve modifications to the lease agreement with the City of Albuquerque for 2,705 square feet for 12 beds and office space at the Metropolitan Assessment and Treatment Services (MATS) facility.

### **SUMMARY:**

On October 25, 2005 the Board approved a 5-year lease agreement between the County and the City of Albuquerque for 12 beds and related office space and also approved Financial Resolution 86-2005 budgeting the rental proceeds. County staff submitted the lease to the State Board of Finance for their approval. At that time, the Assistant Attorney General recommended modifications to the lease to comply with Board of Finance requirements. The modifications are as follows:

- Section 8: Utilities – Removes language requiring the City to indemnify the County against unpaid utility charges and attorney fees required to collect any unpaid charges.
- Section 14: Liability and Indemnification – Removes the extra language and leave the phrasing that each party will be solely responsible for liability arising from injury or damage caused by its own agents or employees and is subject to the Tort Claims Act.
- Section 31: Modification and Governing Law – Adds language that lease is subject to approval by the State Board of Finance.

The changes have been discussed with the City of Albuquerque administration and they are willing to accept the proposed modifications upon approval by the Bernalillo County Commission.

### **ATTACHMENT:**

1. Lease Agreement

### **FISCAL IMPACT**

There is no fiscal impact to the re-approval of this lease with the City. Fiscal impacts previously noted include \$18,935 in rental income in FY 06 as a result of this lease agreement.

# **STAFF ANALYSIS SUMMARY**

## **COUNTY MANAGER**

Changes to sections 8, 14 and 31 are based upon Board of Finance requirements. Upon approval by the Board and concurrence by the City of Albuquerque the lease will be resubmitted to the Board of Finance for approval. I recommend Board approval. TL 1/31/06

## **DEPUTY COUNTY MANAGER FOR PUBLIC SAFETY**

The recommended changes are to conform to New Mexico Attorney General's office requirements. I recommend approval of this item. JDantis 1/26/06

## **LEGAL**

Counsel for the Board of Finance and DFA required modifications to the Lease. The Legal Department negotiated modifications that adequately protect the County and satisfied the Assistant Attorney General. JSL 1/25/06

## **FINANCE**

<b>Budget</b>	Approval of the lease adjustment will have no additional fiscal impact in FY06. A budget was established for revenue and expenditures relating to leases and reimbursements at the MATS facility after approval of the lease agreement by the Bernalillo County Commission on October 25, 2005. Nona Lane, Accounting Officer 1/19/06
<b>Purchasing</b>	A purchasing comment is not required for this agenda item. Dinah Esquivel 0124/2006
<b>Contracts</b>	Contract Control Number 2006-0021 has been issued for the Lease Agreement between the County and City of Albuquerque. Dinah Esquivel, Purchasing Administrator 01/24/2006
<b>Risk Management</b>	The City shall provide a certificate of insurance naming the County as an additional insured with the like kinds and amounts of insurance referenced in paragraph 15 of the Lease Agreement. David A. Baca, Risk Management Administrator. 1/24/06